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Proposed Special Counsel to Richard A. Marshack

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION

In re:

THE LITIGATION PRACTICE GROUP P.C.,

Debtor.

Case No.: 8:23-bk-10571-SC

Chapter 11

**DECLARATION OF R. REED PRUYN IN
SUPPORT OF MOTION OF TRUSTEE
RICHARD A. MARSHACK FOR ENTRY
OF AN ORDER (A) APPROVING SALE
OF ASSETS FREE AND CLEAR OF ALL
LIENS, CLAIMS, ENCUMBRANCES AND
INTERESTS PURSUANT TO 11 U.S.C.
§ 363(b) AND (B) APPROVING
ASSUMPTION AND ASSIGNMENT OF
CERTAIN EXECUTORY CONTRACTS
AND UNEXPIRED LEASES AND OTHER
AGREEMENTS**

Date: [To be set]

Time: [To be set]

Judge: Hon. Scott C. Clarkson

Place: Courtroom 5C

411 W. Fourth Street

Santa Ana, CA 92701

DECLARATION OF R. REED PRUYN

I, R. Reed Pruyn declare as follows:

1. I am an attorney, licensed in good standing in California, Utah, Colorado, and Idaho.
2. I have personal knowledge of the matters set forth herein. If called as a witness in this matter, I could and would testify competently thereto.
3. I make this Declaration in support of *Motion of Trustee Richard A. Marshack for Entry of an Order (A) Approving Sale of Assets Free and Clear of All Liens, Claims, Encumbrances and Interests Pursuant to 11 U.S.C. § 363(b) and (B) Approving Assumption and Assignment of Certain Executory Contracts and Unexpired Leases and Other Agreements.*
4. I graduated Brown University in 1991 and MLK Jr. School of Law at the University of California at Davis in 1998.
5. Over 24 years, I have been an effective civil law practitioner with a strong reputation among colleagues and courts.
6. Since May 2003, I have lived in the Salt Lake City, Utah area.
7. I started my own general solo practice nine and a half years ago on January 1, 2014.
8. In November 2019, an entity named Coast Processing asked me to handle debt collection defense matters on a contract basis for its Utah resident clients, which I agreed to do.
9. In 2020, Coast Processing became known to me as The Litigation Practice Group (“LPG”).
10. By early 2021, I was receiving so many referrals from LPG that, as a practical matter, I could only accept a limited few engagements in other sectors of my practice.
11. In Q3 of 2021, LPG asked if I would come on as an employee, which I agreed to do without closing my own practice.
12. To date, I believe I have resolved close to 1600 cases for LPG affiliated clients.
13. Presently, I believe I have about 235 cases across four states that are unresolved. Up to about 25 require my attention each day and I routinely work through weekends to stay on top of things as any good lawyer would do.

1 14. In the course of this debt collection defense work, I have represented a universe of
2 people, spent the time to understand each of their situations and worked hard to get the best possible
3 results.

4 15. A significant portion of cases resolved to date stemmed from the SARS-CoV-2 Covid-
5 19 pandemic and its effect on industries and the economy. I have represented consumers (and by
6 extension their families) across the spectrum: for examples, many in the trades and construction;
7 hairstylists; family-owned restaurants, dry cleaners and other small businesses dependent for revenue
8 on people being out and about; many who feed their families and make ends meet only if they work
9 overtime but who were hardly offered part time hours, some for almost two years; and others who
10 were actually infected and hospitalized with the virus and lost their livelihoods.

11 16. Another significant portion has been very sick people who medically lose the ability
12 to work, some very young, and many elderly people with health in steady decline and/or whose
13 savings have run out and for whom fixed retirement income cannot pay the bills.

14 17. In most cases, there have been no winnable legal defenses to the asserted breaches of
15 credit agreements or loans or to the asserted right of a debt buyer to collect based on an assignment.

16 18. When hardship circumstances merit dismissal of claims that is exactly what I obtain
17 in those instances. I estimate I have obtained close to 100 such dismissals.

18 19. Short of that, I never give up until I get an agreement to a zero-interest affordable
19 monthly payment plan, most for cents on the dollar.

20 20. Clients regularly tell me how grateful they are for the work I have done for them. I
21 believe that is because of how much massive financial pressure and distress I relieve for them when
22 cases and accounts are resolved. Indeed, there are many times I help clients resolve additional
23 accounts they enrolled with LPG before there is a lawsuit because of the contacts and trust
24 relationships I have developed with the attorneys who routinely represent creditors and debt buyers.

25 21. Depending on the demographic of the client, I help some get back on their feet so they
26 can rebuild their financial health, or, for those in their older age, simply worry less.

27 ///

1 22. It is also not uncommon for me to have clients cry on the phone in thanking me
2 especially when I have gotten claims dismissed based on their hardship(s).

3 I declare under penalty of perjury under the laws of the state of California that the foregoing
4 is true and correct, and that this declaration is executed on this 25th day of June, 2023 at Salt Lake
5 City, Utah.

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R. Reed Pruyn
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 655 W. Broadway, Suite 800, San Diego, California 92101

A true and correct copy of the foregoing document entitled (*specify*):

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On June 24, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On June 24, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on June 24, 2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

JUDGE'S COPY

The Honorable Scott C. Clarkson
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5130 / Courtroom 5C
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

June 24, 2023

Date

Printed Name

Signature

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):
2. SERVED BY UNITED STATES MAIL:

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 655 W. Broadway, Suite 800, San Diego, California 92101

A true and correct copy of the foregoing document entitled (*specify*):

DECLARATION OF R. REED PRUYN IN SUPPORT OF MOTION OF TRUSTEE RICHARD A. MARSHACK FOR ENTRY OF AN ORDER (A) APPROVING SALE OF ASSETS FREE AND CLEAR OF ALL LIENS, CLAIMS, ENCUMBRANCES AND INTERESTS PURSUANT TO 11 U.S.C. § 363(b) AND (B) APPROVING ASSUMPTION AND ASSIGNMENT OF CERTAIN EXECUTORY CONTRACTS AND UNEXPIRED LEASES AND OTHER AGREEMENTS

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On July 7, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On July 7, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on July 7, 2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

JUDGE'S COPY

The Honorable Scott C. Clarkson
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5130 / Courtroom 5C
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 7, 2023
Date

Caron Burke
Printed Name

/s/ Caron Burke
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

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D Edward Hays on behalf of Interested Party Courtesy NEF

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